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BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

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| IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF: | : | Administrative Action |
| **AHMED F. ALY, R.P.**<br>License No.: 28RI02713900 | : | **PROVISIONAL ORDER OF DISCIPLINE** |
| TO PRACTICE AS A PHARMACIST IN THE STATE OF NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

## PRELIMINARY FINDINGS OF FACT

1. Ahmed F. Aly ("respondent") received a license to practice pharmacy in New Jersey on April 17, 2000, and was a licensed pharmacist until his license expired on April 30, 2007. The Board retains jurisdiction over respondent's expired license and notes respondent can reactivate the license at any time after meeting the applicable requirements for reinstatement, including the filing of proper documents, payment of fees, taking and passing NAPLEX and completion of a criminal history background check. (A copy of a printout of the Board's

records, indicating respondent's licensure status, is attached hereto as Exhibit A and made a part hereof.)

2. On October 30, 2009, respondent plead guilty to one count of first degree racketeering in violation of N.J.S.A. 2C:41-2C and N.J.S.A 2C:41-2D. Specifically, the count to which respondent plead guilty alleged that respondent committed the racketeering conduct by "engaging in or conspiring to commit repeated acts of unlawful distribution of controlled dangerous substances, unlawful possession with intent to distribute controlled dangerous substances, forgery, and identity theft. . . ." On August 30, 2013, respondent was sentenced to three years of probation, 155 days credit for time served, and certain costs and fees. The Judgment of Conviction further provided that respondent "may not obtain or possess a pharmacy license" during the three years of probation. (A copy of the Judgment of Conviction is attached hereto as Exhibit B and made part hereof.)

## PRELIMINARY CONCLUSIONS OF LAW

Respondent's conduct provides grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (f) in that respondent was convicted of a crime of moral turpitude and a crime relating adversely to the pharmacy profession, and has engaged in professional misconduct.

**ACCORDINGLY, IT IS on this** 23rd **day of** July **, 2014,**

**ORDERED that:**

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby preliminarily revoked.

2. Respondent shall cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to the following: respondent shall not handle, order, inventory,

compound, count, fill, refill, or dispense any drug; he shall not handle anything requiring a prescription, including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.

3. Upon entry of a Final Order of Discipline, respondent shall surrender his wall certificate, wallet certificate, and his most recent renewal card of his license to the Executive Director of the Board immediately upon the entry of this Order by mailing them to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for violation of a Board Order and professional misconduct.

5. Prior to any application for reinstatement of his license to practice pharmacy in New Jersey, Respondent shall:

a. At the discretion of the Board, appear before the Board or a committee thereof to discuss his readiness to reenter practice as a pharmacist. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction.

b. Affirmatively establish his fitness, competence and capacity to actively practice as a pharmacist in New Jersey. As part of this requirement, Respondent shall take and pass the NAPLEX and MPJE examinations required for initial licensure.

c. Provide the Board with a full account of his conduct during the intervening period of time from the expiration of his license in April 2007 to any application for reinstatement of his license.

d. Provide the Board with documentary proof that he has satisfied all the terms and conditions of his criminal sentence, including but not limited to the period of probation.

e. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

6. If Respondent's license to practice as a pharmacist is reinstated, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

7. The order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth ($30^{th}$) day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings or Fact or Conclusions of Law by:

a. Submitting a written request for modification or dismissal to Anthony Rubinaccio, Executive Director, State Board of Pharmacy, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101.

b. Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c. Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal

allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions, and sanctions stated herein.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.Ph.
Thomas F.X. Bender, R.Ph.
Board President